

Operations Division
Regulatory Branch

SUBJECT: CX-19-980-2001-1
(GENERAL PERMIT)NOD-23

DEPARTMENT OF THE ARMY

GENERAL PERMIT

SILT REMOVAL IN THE MISSISSIPPI RIVER

Authorization No.: (General Permit)NOD-23
Initial Effective Date August 2, 1983
Expiration Date September 30, 2008

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, the District Engineer at New Orleans has granted this general permit to allow dredging for the removal of silt accumulations around existing docks, under existing barge fleets and ships mooring areas, around existing marine launchways, and around existing intakes and the deposing of the material in the Mississippi River, generally below the minus 55-foot NGVD contour.

Specific legislation requiring Department of the Army permits for this work are as follows:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).
- b. Section 404 of the Clean Water Act (33 USC 1344)

This permit does not authorize any work under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This general permit for the above cited work is granted subject to the following conditions:

- a. This permit only authorizes maintenance dredging. Dredging to establish deeper depths than that which existed prior to siltation is not authorized under this general permit.
- b. The removal and deposition of dredged material shall not exceed 125,000 cubic yards.
- c. This permit is limited to the Mississippi River within the New Orleans District, U.S. Army Corps of Engineers.
- d. Material dredged from the Mississippi River may be placed in the deeper portions of the Mississippi River. Material returned to the Mississippi River is generally to be deposited beyond the minus 55-foot NGVD contour. The material may not be stacked beyond the minus 55-foot contour such that the top of the deposit is at an elevation above than minus 55 feet NGVD. Consideration will be given, on a case by case basis, for disposal above the minus 55-foot NGVD contour under certain

situations, such as the lack of suitable disposal sites, as exist above Baton Rouge where river depths preclude passage of deep draft vessels. Material may not be placed in Corps dredged and maintained navigation crossings if we determine such disposal would require later removal of the material by the federal government to maintain the navigation crossing.

- e. Dredge and disposal operations will be conducted in such a manner as to avoid interference with navigation to the maximum extent practical and turbidity will be kept to the practical minimum. Dredging equipment, including discharge lines, will be marked and lighted in accordance with U.S. Coast Guard regulations.
- f. The lieu of deposition of dredged material in the Mississippi River, consideration will be given to individual requests to transport the dredged material from the area or placement in existing commercial sand pits located along the river. The dredged material may not be placed in jurisdictional wetland areas or other waters without separate Department of the Army permits. If the dredged material is to be used as fill or sold, rather than redeposited in the Mississippi River, as stated in paragraph d. above, the applicant will be required to pay the Louisiana Department of Wildlife and Fisheries royalties for use of material taken from state-owned waterbottoms.
- g. Applicants applying for authorization to perform work under this general permit must submit a written request to the Regulatory Branch of this district and must receive specific written notice that the project is authorized before commencement of work. Written requests must include a map showing the location of the proposed work and 8 ½ X 11-inch drawings must clearly show, at a minimum, the information on the enclosed sample drawings to illustrate the work to be done. The cross-section must clearly show river bottom contour that existed prior to the siltation and the proposed contour after dredging. **Only the removal of silt accumulations is authorized under this general permit. The permit cannot be used to create new water depths.** Applications that do not clearly show that the proposed work is only to reestablish pre-existing depths, will be returned or processed as an individual permit with full permit processing to include a public notice.
- h. Approvals under this general permit for individual dredging operations do not release the applicants from obtaining any required permits or approvals from other federal, state or local agencies. If the dredging or disposal site is within the Louisiana Coastal Zone, a coastal use permit or other approval is needed from the Louisiana Department of Natural Resources Coastal Management Division. The coastal zone in the Mississippi River is generally defined as the area below River Mile 169. Questions relative to coastal zone permitting may be directed to the Coastal Management Division in Baton Rouge at (225) 342-7591.
- i. The District Engineer may choose not to approve a request under this general permit and require normal

permit processing should he determine approval under the General Permit would not be in the public interest.

- j. Additional conditions may be added in this general permit and this general permit may be suspended, modified and/or revoked by the District Engineer any time it is found in the public interest to do so. Public notice will be given any time this general permit is modified, revoked, or suspended.